

DOCKET NO: 251960US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
SHIGEO TOCHIKUBO : ATTN: APPLICATION DIVISION
SERIAL NO: 10/823,765 :
FILED: APRIL 14, 2004 :
FOR: ELECTROLYTIC WATER :
PURIFIER :

FIRST DECLARATION UNDER 37 CFR § 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Hiroshi Ohkawa, a citizen of JAPAN, hereby declare and state that:

- (1) I am employed with the Kyoritsu Patent Law Firm, located at 3-2-5 Meieki, Nakamura-ku, Nagoya 450-0002, Japan, which has been retained by TYK Corporation to represent TYK Corporation in the above-identified application.
- (2) On March 23, 2004, I oversaw the delivery of a package containing: (i) an instructive cover letter; (ii) a Specification (based on JP2001-308609), which contained 32 pages, 23 claims and 10 drawing sheets, a Declaration, Power of Attorney, and Petition, and Assignment documents to:

Mr. Shigeo Tochikubo, Sole Inventor
c/o Takaoka Chemical Co., Ltd.
80, Nagare, Jimokuji-cho,
Ama-gun, Aichi-ken, 490-1111, Japan

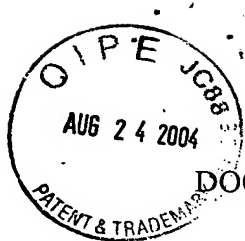
- (3) The instructive letter of March 23, 2004, completely described the contents of the courier package and requested that Mr. Shigeo Tochikubo sign and date the Declaration and Assignment documents in the above-identified application and return the completed documents to Kyoritsu Patent Law Firm at the above-identified address within one week of receipt of the package.
- (4) Mr. Shigeo Tochikubo was then contacted by telephone at TAKAOKA CHEMICAL CO., LTD. (telephone number: 052-448-3134) on April 2, 2004 at 15:00.
- (5) I personally asked Mr. Shigeo Tochikubo whether or not he had received the package that contained: (i) an instructive cover letter; (ii) a Specification (based on JP2001-308609), which contained 32 pages, 23 claims and 10 drawing sheets, a Declaration, Power of Attorney, and Petition, and Assignment documents.
- (6) Mr. Shigeo Tochikubo confirmed that he received the delivery and all of its contents, that he understood the instructive letter, and that he understood that he was being asked to join in the application process for a U.S. Patent, which is based on JP 2001-308609.
- (7) At that time, I asked him to sign and date the Declaration, Power of Attorney, and Petition, and Assignment documents, and return them to me at the Kyoritsu Patent Law Firm.
- (8) Mr. Shigeo Tochikubo stated that he works for another company and that he refuses to sign these documents.

(9) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

(10) Further declarant saith not.

Hiroshi Ohkawa
Signature

Hiroshi Ohkawa May 14, 2004
Typewritten Name Date



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SHIGEO TOCHIKUBO : ATTN: APPLICATION DIVISION
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SECOND DECLARATION UNDER 37 CFR § 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313
SIR:

I, Susumu Ushigome, a citizen of JAPAN, hereby declare and state that:

- (1) I am the CEO and President of TYK Corporation;
- (2) I know from my personal knowledge that Shigeo Tochikubo was employed by the TYK Corporation at the time he invented the subject matter of the above-identified application.
- (3) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.
- (4) Further declarant saith not.


Signature

Susumu Ushigome

Typewritten Name

04/06/04

Date

高齢者嘱託社員雇用契約書

株式会社 T Y K (甲)と 杉 窪 滋 夫 (乙)とは、以下の通り雇用契約を締結する。

記

1. 甲は乙と平成13年 5月 21日より平成14年 5月 20日まで1ケ年の有期契約をする。
2. 給与体系は在職老齢年金、高年齢雇用継続給付制度の適用を受け、給与所得との合計所得年額を 〇 万円とする。
3. 月例給与は月額 〇 万円(年額 〇 万円)、賞与は年額 〇 万円、合計年額 〇 万円とする。
4. 甲は特に取り決めがない限り、就業規則に定める労働条件をもって乙を労働させる義務を負う。
5. 乙は特に取り決めがない限り、甲の定める就業規則に従って労働する義務を負う。
6. 本契約締結後前号の規則に改廃があったときは、甲乙ともそれによるものとする。
7. 乙の身分は嘱託社員とする。
8. 乙は、非組合員とする。
9. 再契約については、契約期限の2ヶ月前までに甲から乙に通達する。

上記雇用契約の証として本書2通を作成し、甲乙双方において各1通を保有するものとする。

平成 13 年 4 月 3 日

東京都千代田区丸の内1-8-2

株式会社 T Y K

代表取締役社長

牛込 進



住 所 17-2 浅草橋 5-150-402

氏 名 杉 窪 滋 夫



BEST AVAILABLE COPY

Written Employee Agreement for
Part-time Employee of Advanced Age

TYK Corporation (X) and Shigeo TOCHIKUBO (Y) conclude an employee agreement as follows.

Note

1. X concludes a terminable agreement with Y from May 21, 2001 to May 20, 2002.
2. The wage structure applies an old-age pension in the period of his service and a continued employment provision system for advanced age, and the total amount of yearly income including earned income is ____ yen.
3. The monthly wage is ____ yen/month (____ yen/year), the bonus is ____ yen/year, and the total amount is ____ yen/year.
4. X has an obligation to make Y work under working conditions prescribed in company regulations unless there is no special agreement.
5. Y has an obligation to work in accordance with company regulations provided by X unless there is no special agreement.
6. If the above rules are changed or abolished after the conclusion of this agreement, both of X and Y follow such change or abolition.
7. Y is a part-time employee.
8. Y is not a member of an association.
9. As for renewal of agreement, X gives Y a written notice by 2 months prior to the term of agreement.

As the proof of the above employee agreement, two copies of this written employee agreement are prepared, and both of X and Y holds each one copy thereof.

April 3, 2001

8-2, Marunouchi 1-chome, Chiyoda-ku,
Tokyo-to, 100-0005, Japan
TYK Corporation

Susumu USHIGOME (Seal)
President & C.E.O.

Address: #402, 5-150, Ohbata-cho, Tajimi-shi,
Gifu-ken, 507-0818, Japan

Name: Shigeo TOCHIKUBO
(signature and seal)

DOCKET NO: 251960US0

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CERTIFICATION UNDER 37 CFR § 3.73(b)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Susumu Ushigome, certify that I am an individual empowered to act on behalf of TYK Corporation, the Assignee of the entire right, title and interest in the above-identified application.

- (1) I certify that TYK Corporation is the Assignee by right, by virtue of the fact that the sole inventor, Mr. Shigeo Tochikubo, who was employed by TYK Corporation at the time he invented the subject matter consented and signed a Written Employment Agreement for Part-time Employee of Advanced Age (enclosed herewith), in which he agreed to assign the above-identified application to TYK Corporation.
- (2) I certify that counsel of TYK Corporation, Mr. Hiroshi Ohkawa of the Kyoritsu Patent Law Firm provided Mr. Shigeo Tochikubo the opportunity to sign the Declaration, Power of Attorney, and Petition and the Assignment documents which properly identify the above-identified application; but that Mr. Tochikubo refused to sign these documents because he worked at another company not affiliated with TYK Corporation.

- (3) I certify that based on the Agreement signed by Mr. Tochikubo, that TYK Corporation owns the entire right, title, and total interest of the above-identified application.
- (4) I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.


Signature

Susumu Ushigome
Typewritten Name

President and CEO of TYK Corporation
Title

04 / 06 / '04
Date

Attachment: Written Employment Agreement for Part-time Employee of Advanced Age

高齢者嘱託社員雇用契約書

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平成 13 年 4 月 3 日

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株式会社 T Y K

代表取締役社長

牛込 進

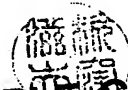


住 所

〒150-402 東京都目黒区大田町 5-150-402

氏 名

杉 窪 滋 夫



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April 3, 2001

8-2, Marunouchi 1-chome, Chiyoda-ku,
Tokyo-to, 100-0005, Japan
TYK Corporation

Susumu USHIGOME (Seal)
President & C.E.O.

Address: #402, 5-150, Ohbata-cho, Tajimi-shi,
Gifu-ken, 507-0818, Japan

Name: Shigeo TOCHIKUBO
(signature and seal)



CERTIFICATE OF TRANSLATION

Sir:

I, Kanako YASHIRO, a translator, residing at c/o KYORITSU
PATENT LAW FIRM, 3-2-5, Meieki, Nakamura-ku, Nagoya-shi, Aichi-ken, Japan

hereby state:

- (1) that I know well both the Japanese and English languages;
- (2) that I translated the attached document identified as corresponding to Japanese Patent Application No. 2001-308609, filed in Japan on April 10, 2001, from Japanese to English;
- (3) that the attached English translation is a true and correct translation of Japanese Patent Application No. 2001-308609, to the best of my knowledge and belief; and
- (4) that under penalty of perjury under the laws of the United States of America that the foregoing is believed to be true and correct.

Date: August, 24, 2004

By: Kyori